

**Ravalli County Planning Board  
Meeting Minutes for January 17, 2007  
6:00 p.m.  
Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Hearing**

Riverview Orchards, Block 5, Lot 1-A, AP (Schultz) Subsequent Minor Subdivision and Three  
Variance Requests

**Public Meeting**

2007 Work Plan Development for the Ravalli County Planning Program

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting  
may be purchased from the Planning Department for \$5.00.*

**1. Call to order**

**Chip** called the meeting to order at 6:10 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

**(A) Members**

Mary Lee Bailey (present at 7:00 meeting)  
Dale Brown (present)  
Phil Connelly (present at 7:00 meeting)  
Ben Hillicoss (present)  
Dan Huls (present)  
Lee Kierig (present)  
Maura Murray (present)  
Chip Pigman (present)  
Tom Ruffatto (present)  
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

**(B) Staff**

Afton Clack  
Jennifer Degroot  
Karen Hughes  
John Lavey  
Shaun Morrell  
Vanessa Perry  
Renee Van Hoven

**3. Approval of Minutes**

**Chip** asked if there were any corrections or additions to the minutes from December 20, 2006.  
There were none. The minutes were approved.

**4. Amendments to the Agenda**

There were none.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Hearing**

(A) **Riverview Orchards, Block 5, Lot 1-A, AP (Schultz) Subsequent Minor Subdivision and Three Variance Requests**

- (i) Staff Report on the Subdivision Proposal: **Shaun Morrell** gave an overview of the subdivision proposal and three variance requests and stated Staff recommended denial of Variance Request 1, conditional approval of Variance Request 2, and approval of Variance Request 3 and the subdivision subject to eight conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment B, Riverview Orchards, Block 5, Lot 1-A, AP (Schultz) Staff Report)

- (ii) Three Minute Rule Waiver Requests

There were none.

- (iii) Public Comment on the Subdivision Proposal and Variance Requests

- (a) Applicant and the applicant's representatives

**Gordon Sorenson** said the applicant has issues with the recommended denial for Variance Request 1. He stated he went through the same situation with an earlier subdivision that was on Skyview Drive and Longview Drive. He said Staff recommended denial on that subdivision, but the Planning Board recommended approval of the variance request to the Commissioners. He commented it would be a great injustice to expect one person to pave the road for an entire small community. He said he would like to see Eight Mile Creek Road excluded from the waiver of protest to form an RSID. He stated the applicant will contribute \$500 to the Florence Fire District and \$250 per lot to the Florence School District for the school donation.

- (b) Persons in Favor

There were none.

- (c) Persons Opposed

There were none.

- (d) Close: Public Comment

(iv) Board Deliberation on Variance Request 1 (Improving Skyview Drive)

(a) Board discussion and questions

**Les** said Skyview Drive is a flat road with no ditches. He asked if the developer had any plans to improve Skyview Drive other than paving it.

**Gordon** replied he has no plans to improve Skyview Drive because it is under the maintenance jurisdiction of the Riverview Orchards Homeowners Association. He said one year ago the Homeowners Association put a new sand/gravel surface on Skyview Drive to improve it.

**Ben** asked Gordon if he had any insight as to what is going to happen to the land to the north of the proposed subdivision.

**Gordon** replied he did not. He said Dennis and Dan Schneider bought that land and sold it to a group of people headquartered out of Bozeman.

**Ben** asked how big of a piece of land it is.

**Gordon** estimated the land to be 80 acres.

**Lee** asked how long the other lots in the area have existed and how big they are.

**Gordon** replied two of the lots are three acres and are five or six years old. He said the lots to the west of the property were developed over ten years ago. He added they started out as ten-acre orchard tracts in 1913 and then were split to create three-to five-acre tracts.

**Lee** said it is common in the City of Hamilton to get property owners to sign a waiver of protest. He stated if it ever came around that the homeowners in the area would not protest the formation of an SID, it does not mean that improvement would come. He added it takes a majority of landowners to agree to create a SID. He asked if the language in the Staff Report included Eight Mile Creek Road and all the people who live along and are served by Eight Mile Creek Road.

**Renee** replied that the language could include Eight Mile Creek Road.

**Lee** stated at some point in the future, there will be services required to try to get people geared towards forming a SID coalition. He said whether or not they agree to it is subject to a vote between the people.

**Chip** stated when someone waives their right to protest, they can come to the table, but their vote does not count.

**Lee** said they would have to come to the table to negotiate what the fair price would be.

**Chip** said they would give up the right to voice their opinion about forming an SID.

**Gordon** said if an applicant has paid their share to upgrade a piece of road, they should be exempt from being charged on a SID to upgrade a road so they do not have to pay twice.

**Lee** stated the applicant owns the last lot on a dead-end road cul-de-sac with seven other lots accessing off Skyview Road. He said it is unfair that the last landowner on the block has to pay for the road. He asked if the local people on the road could form their own improvement district.

**Chip** said they could, but the Planning Board has to decide if they are going to approve the proposed variance. He stated the neighbors would need to make the choice of whether it would be through an SID or the Homeowners Association.

**Les** said at some point, the County is going to have to get Skyview Drive improved. He added if a big subdivision proposal came through, the developer could say the Planning Board already allowed the road to remain gravel-surfaced.

**Gordon** replied it is unjust for one person out of six to have to fix a road. He said if a large subdivision is proposed, the applicant would have to upgrade all the roads.

**Kevin Schultz** said if he had the option of creating 30 lots, he would welcome himself to pave Skyview Drive to add value to the lots. He stated with such a small two-lot proposal, it is not feasible.

**Ben** asked if the Planning Board was reviewing the proposal under the new regulations, whether the regulations would require the applicant to pave the road.

**Shaun** replied it would be the same as in the old Subdivision Regulations. He said all private roads leading up to a subdivision are required to be brought up to county standards.

**Dan** asked if the road right-of-way continues through to the other property with a 40 foot easement.

**Gordon** replied it was platted as a 40-foot easement in 1913. He said in previous surveys he added 20 feet to make it a full 60-foot easement.

**Dan** said if a development did come through to the other piece of property, the applicant would have access through that easement.

**Lee** said that same applicant would have access off Longview Drive as well.

**Gordon** noted the right-of-way on Longview Drive ends at the cul-de-sac.

**Dan** asked if there was another access to the neighboring parcel besides Skyview Drive.

**Gordon** replied there is not access to the neighboring parcel through Fairview Lane that he is aware of.

**Dan** said if the adjoining parcel is developed at some point, it will access Skyview Drive.

**Ben** asked how far north the Missoula County line is from the proposed property.

**Gordon** replied approximately one mile north.

**Ben** said there are subdivisions in Missoula County east and north of the county line. He asked whether there was access to the applicant's property from those subdivisions.

**Gordon** stated those subdivisions have access up Fairview Lane.

**Les** said he thinks there is a drainage issue and none of the driveways have culverts. He added there are no ditches so he does not know where the water would go if there was heavy rain. He said the whole valley floor has about a 3% slope.

**Gordon** said anytime the ground is not frozen in a gravelly and sandy area, there is not much runoff. He added anything that is further north would get intercepted by the wastewater ditch.

**Les** stated the road maintenance agreement is not very specific as to how Skyview Drive is going to be maintained, and on Eight Mile Creek Road, there are no stop signs.

**Chip** said the addition of one lot will not substantially change the character and use of Skyview Drive. He stated if a denser or potentially larger subdivision comes through that would change the use of the road, the Planning Board would still have the opportunity to address the road at that time.

**Les** said there is a slope to the north of the cul-de-sac. He stated there would have to be provisions along that access roadway for drainage that would mandate a drainage system and improvement of Skyview Drive if there was development in that area.

**Lee** said Eight Mile Creek Road does not meet County standards. He said at some point, all the roads west of Florence are going to have to come up to County standards, which would call for a formation of a SID at some time.

**Ben** asked if anyone had an idea of what the estimated pro rata share would be on Eight Mile Creek Road for one lot.

**Gordon** said on Gunshy I Subdivision there were 17 lots and pro rata was \$84,000.

**Chip** stated \$5,000 per lot was the pro rata share two years ago.

**Les** motioned to approve Variance 1, as requested, with the stipulation that a stop sign be placed at the Eight Mile Creek Road intersection.

**Dale** seconded the motion.

(b) Board Action

The vote was called; the members voted (7-1) to conditionally approve the variance. (See Attachment C, Riverview Orchards, Block 5, Lot 1-A, AP (Schultz) Variance 1 Vote Sheet)

(v) Board Deliberation on Variance Requests 2 and 3 (Road maintenance agreements for Skyview Drive and Longview Drive)

(a) Board Discussion and Questions

**Les** asked Gordon if he was satisfied with the maintenance agreement as stated in the application.

**Gordon** replied he has not read the maintenance agreement. He said maintenance agreements are written by an attorney.

**Shaun** stated although Staff acknowledges the road maintenance provision in the existing covenants for the two Homeowners Associations are not ideal, to require the applicant to file a new road maintenance agreement for each road would add to confusion and not help very much because each road maintenance agreement would only have one lot as a member. He added the landowner would be free to choose whether or not to maintain the road based on the requirements of the Subdivision Regulations.

**Gordon** stated the Homeowners Association has been improving all the roads all the way to the west. He said the Homeowners Association will do their best not to allow Skyview Drive to degrade any further and continue to improve it.

**Dan** motioned to approve Variances 2 and 3 based on the conclusions of law in the Staff Report.

**Tom** seconded the motion.

**Shaun** clarified that Variance 2 would be subject to Condition 8 in the Staff Report.

(b) Board Action

The vote was called; the members voted (8-0) to conditionally approve Variance 2 and approve Variance 3. (See Attachments D and E, Riverview Orchards, Block 5, Lot 1-A, AP (Shultz) Variances 2 and 3 Vote Sheets)

(vi) Board Deliberation on the Subdivision Proposal

(a) Board Discussion and Questions

**Les** asked Gordon to discuss the drainage portion from the septic field. He said he does not understand why the applicant allowed for such a large area.

**Gordon** replied DEQ uses a mixing zone in a mathematical model, and when lots are larger than two acres, they use a 500-foot mixing zone. He said if the lots are less than two acres, DEQ would use a 200-or 100-foot mixing zone. He stated Ravalli County typically uses a 100-foot mixing zone to lessen the complication of getting another easement, which makes it more difficult to show that someone is not going to degrade the groundwater with nitrates.

**Les** asked Gordon to clarify the plume that goes out.

**Gordon** replied it is an old plume that was allowed, under the law, to go out. He said Ravalli County came up with a new regulation that states someone has to have an easement for the plume to go out.

**Ben** said the Florence School Superintendent told him the school superintendents are going to have a meeting within a week or two to see if they can agree on an appropriate amount for the school contributions. He motioned to approve the Riverview Orchards, Block 5, Lot 1-A, AP Subsequent Minor Subdivision based on the findings of facts and conclusions of law in the Staff Report and subject to the conditions from the Staff Report, with the addition that the applicant agrees to pay the contribution of \$500 per lot to the Florence Rural Fire District and \$250 per lot to the Florence School District.

**Tom** seconded the motion.

(b) Board action

(1) Review of Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and the findings of fact and conclusions of law on the subdivision proposal in the Staff Report.

(2) Board Decision

The vote was called; the members voted (8-0) to conditionally approve the Subdivision. (See Attachment F, Riverview Orchards, Block 5, Lot 1-A, AP (Schultz) Subdivision Vote Sheet)

8. **Close Public Hearing**

9. **Public Meeting: 7:00 p.m.** (Mary Lee Bailey and Phil Connelly were present for this public meeting)

(A) **2007 Work Plan Development for the Ravalli County Planning Program**

(i) Staff Report

**Karen** said Staff prepared a memo for the public that is their Staff Report with a series of attachments, which has an overall allocation of staff time towards various

projects and two timelines about the countywide zoning project (See Attachment G, Countywide Zoning Work Plan Overview). She said Staff considered what they could do with unlimited and limited resources, and then came up with a reasonable work plan that would require some additional resources. She stated the two items that will be the most time-and resource-demanding are countywide zoning and the general project workload. She stated Staff broke down the zoning work plan into a two phase project. Phase 1 would address density, use, setbacks, and height (the minimum requirements under the law). She said Phase 2 comprises the more detailed, lower-tiered priorities that could be done at a later date, such as streamside setbacks, more detailed development standards for communities, and the Highway Corridor project. She noted the basic steps for the Phase 1 project are to establish a work plan, create a public involvement plan; create the zoning resolution and regulations which means streamlining the current work of the Land Use Subcommittee; create mapping and analyzing data to determine work unsuitable and suitable for development, and then apply the regulations to the mapping to create a countywide zoning map. She said Staff could potentially have a zoning map ready for the formal public process by late fall or winter. She stated the Department is working with the financial administrators in the County to figure out how to split the budget between fiscal years and to search out various funding resources. She said the Department has looked at adjusting their fees, reallocating resources within their budget and the County's budget as a whole, bringing in grants, and reallocating within the Department's own budget for overtime to help cover gaps.

**Chip** asked how many Staff members there are.

**Karen** replied the Planning Department currently has nine Staff members.

**Ben** said the end date of having a zoning plan could be 18 months. He asked if the Boards and Staff would then start Phase 2 during the approval process for Phase 1.

**Karen** replied there will be some parts of Phase 2 that will already be started. She said Staff will continue to provide some level of support for the Land Use Law Clinic that is working on the U.S. Highway 93 Corridor Land Use Planning project. She stated that there is the potential of doing something with streamside setbacks, where Staff may have to look at allocating additional resources.

**Ben** noted the Boards and Staff need to make changes to the Growth Policy. He asked if they should attempt to have those changes made and approved in the same timeframe as zoning.

**Karen** replied Staff needs to make sure the proposed zoning plans are in substantial compliance with the Growth Policy, which may require the Planning Board and Staff to recommend changes to it.

**Ben** asked if she will be able to hire additional Staff in time.

**Karen** replied hopefully. She said the Planning Department cannot hire someone temporarily, so the Commissioners would have to think about next year's budget with this proposal. She added the Planning Department may have to compensate with more overtime.



**Ben** asked if Staff was counting on support from the Planning Board, the Land Use Subcommittee, and the public to help with the proposed planning.

**Karen** replied Staff is definitely relying on a lot of volunteer time being put into this effort. She said Staff could not do a countywide zoning project without a grassroots commitment.

(ii) Open Public Comment

**Stuart Brandborg** said it is encouraging to see Staff moving forward with specifics and a work plan. He noted Les and Ben have been staying out in front of the process in assisting the public. He added the Boards, Staff, and public are going to have to build on the Growth Policy, which is a basic and living document that needs revision and strengthening. He said it is the foundation for the zoning process. He stated he appreciates the emphasis that the Planning Board and Staff have given to public involvement. He said the County has a constituency and the public is ready to be involved. He noted that major developments of large proportions cannot be permitted in the absence of the most intensive examination and should be delayed until this planning process is completed. He thinks the people in each community who will own this process are the County's most vital element. He stated the timelines for this plan will change, but the County will adapt.

**Tori Nobles** said providing a plan on paper to the public gives everyone an opportunity to start thinking and moving in the right direction. She suggested to the Planning Board that they work in small groups so they could move along in a more expedient manner.

**Shaen McElravy** said he could see the Planning Board and Staff's efforts. He stated as the County is in the zoning process, it needs to utilize different criteria and make sure it has them in the Growth Policy (See Attachment H, Sections from the Montana Code Annotated 2005).

**Karen** said the Growth Policy has been evaluated against the standards and has been determined by legal counsel that it meets the minimum requirements.

**Shaen** confirmed that only a few people at the meeting were aware there has been advertisement for a Board of Adjustment. He said the Commissioners are looking for five volunteers to primarily review subdivision exemptions, variances, and possibly subdivisions that have been put on hold. He passed his Board of Adjustment application to Karen to give to the Commissioners.

**Bob Memar** encouraged the County to include involvement of larger property owners because the plan will affect them the most.

**Linda Cardenas** said she was disappointed the Commissioners chose not to attend the meeting. She added it is critical that the County's elected officials make it a mandatory priority to provide an opportunity for their constituents to voice their ideas face-to-face. She noted she was speaking on behalf of the Lone Rock Citizens for Responsible Growth who decided they want to make their services available to the planning effort to provide local contacts and affective local resident communications (See Attachment I, Lone Rock Citizens for Responsible Growth Handout). She said they would like to offer their services of effective communications, help out with

meeting logistics, identify stakeholders and local issues, help with agency partnering and collaboration, and assist with local information and data gathering. She noted she does not see our federal or state partners engaged in this effort, and the Lone Rock group has members who have expertise and knowledge in the right areas.

**Kathleen Driscoll** asked Karen how much it would cost the County for the Planning Department to be fully staffed.

**Karen** said she estimated it would cost \$45,000 for one full-time employee annually, approximately \$30,000 worth of consulting services specifically for the countywide zoning project, and \$5,000 - \$10,000 for overtime to cover some gap expenses.

**Curtis Cook** said he hopes, as the County goes through the process, they will make the very best out of what is available to Staff, the Boards, and the citizens so that when it is over, they will have something accomplished. He hopes everybody will do things in a cooperative manner so there are no animosities. He said he would be happy to see all of the different parts of the project dealt with so the County does not have one to three separate areas taken care of, and the rest of the County not dealt with.

**Steve Schwartzman** said Lone Rock Citizens for Responsible Growth is currently in discussion about working with the citizens in their area to try to develop a zoning concept that will address their particular wants and needs. He added he would like to invite other groups from within the County who have their own specific concerns and needs. He said the Valley is one large ecosystem that he would like to see kept intact and added that there are issues in the County concerning wildlife, water quality, and habitat for animals and humans. He stated the Lone Rock Group would like to see their community remain strong and supportive of one another. He said zoning and planning opportunities would provide them with the ability to look forward and do things that will have a long-range effect.

**Jim Rokosch** thanked the Planning Board and Staff for advancing a well-structured and organized process. He strongly encouraged the Planning Board to look at the proposed work plan in detail, lend their support to Staff's efforts, embrace it, and move forward with the process. He stated his concern is that the work plan has an ambitious and realistic schedule, but does not meet the one-year deadline for adopting countywide zoning. He urged the Planning Board to consider making a recommendation to the Commissioners to extend the interim zoning now, because it will impact the timeline of the work plan if it expires.

**Phyllis Bookbinder** said she is concerned the interim zoning will expire before the project is completed. She asked Karen to clarify more completely what the Planning Department will bring to the public.

**Karen** said she had suggested engaging the assistance of a professional facilitator as a consultant. She added the consultants she has been looking at specifically have experience in working between local governments and the public and in doing land use planning projects.

**Phyllis** asked if the process is for the Planning Department to bring the map to the public for comments and ideas, or if the Planning Department will receive the public's ideas and then create the map.

**Karen** stated Staff is waiting for assistance from a facilitator who has more experience in those areas before they finalize how they are going to do it. She said Staff wants to have the public involved in providing input on what should or should not be addressed through zoning regulations, as well as what kind of information is important in the data-gathering and analysis to help inform the land capability and suitability analysis. She added Staff of course anticipates the public playing a huge role in developing the zoning map.

**Doug Soehren** said to involve him when countywide zoning gets to the point of looking at specifics in the Skalkaho Creek drainage area. He added that he knows the area and offered his help.

**Curtis** asked whether there was any way that the countywide zoning could be done within the one-year time frame.

**Karen** replied Staff put out the best proposal they think they can put forward in order to involve the public, be responsible, and not set themselves up for failure.

**Curtis** asked if there was any way of getting a commitment from the Commissioners to extend the interim zoning, so Staff and the Planning Board know what they can work on and not be distracted by the one-year deadline.

**Chip** replied the Planning Board and Staff cannot answer that question.

**Karen** said what the initiative says about the extensions of interim zoning is that "interim zoning must be limited to one year from the date it becomes effective. The Board of County Commissioners may extend the interim zoning for one year, but not more than one extension can be made." She added it does not state when the Commissioners would act on that.

**Chip** said the Boards and Staff should wait until further down the line to see how many months the proposed plan actually takes. He said at the desire of the Commissioners, they would have the opportunity to extend it.

**Ted Karstetter** said Page 3 of the countywide zoning work plan overview discusses the development of a land capability and suitability analysis. He added there is a statement that says "Staff collects needed geographic and demographic data and presents the information to the committee and works with agencies to ensure accuracy of data that adequately represents the natural and physical environment." He asked whether the Planning Department has experts who will be able to come in and work within this time frame.

**Karen** said there is a wealth of data available through NRIS and other agencies; many use geographic information systems to keep track of data. She added the Planning Department would mostly collect relevant information that is already available, and in some cases would identify gaps in the data that Staff will deal with as they go through the countywide zoning process.

**Ted** asked Karen if she feels there is enough data for the domestic water table and the soils analysis.

**Karen** replied that Staff is not ready to give a complete assessment on that.

**Renee** stated that water and sewer is “the big unknown” and the Planning Department would like to hire a GIS professional to help with those areas.

**Ted** verified that GIS would not be getting down and digging the holes.

**Renee** replied there is well data available.

**Karen** said to some extent, it is how one analyzes and uses the data. She added Staff may have to use raw data, but they may also need to get some official analysis done.

**Ted** asked whether it would be too detailed to try to receive data of what the water table will support.

**Karen** replied that Staff will have to go back and refine their work plan with more details.

**Chris Linkenhoker** asked whether Staff had a list of the subdivisions that were grandfathered in prior to the interim zoning (See Attachment J, Save the Bitterroot Conservation Coalition).

**Karen** replied any subdivision that had received a Commissioner’s decision as of the date of the vote was grandfathered in, and all the subdivisions that did not receive a Commissioner’s decision on the preliminary plat by that date had to meet the interim zoning. She said there are 17 subdivisions that comply and 25 subdivisions that do not comply, and many of those are being adjusted to comply.

**Chris** said he is concerned that countywide zoning is third on the priority list, and that by then, the availability of resources could push the countywide zoning process back by up to five years. He said he would like to see zoning moved up the priority list.

(iii) Close Public Comment

(iv) Board Deliberation on the Work Plan

(a) Board Discussion and Questions

**Lee** asked Karen if she would like to add three employees to the planning Staff.

**Karen** suggested that the County could afford one additional employee. She noted that the Planning Department’s overall staff time demand shows that Staff could use one to three additional people.

**Chip** stated the overall staff time demand average is a high of 11.7 people.

**Lee** said it would be ideal to have three additional people, but in reality one person is all the County can afford.

**Karen** agreed with Lee and suggested hiring one additional person and covering the gap with Staff overtime.

**Chip** reported that the Planning Department is not entirely fee based.

**Karen** said approximately 43% of the Planning Department's estimated revenue budget comes from subdivision and subdivision exemption fees, which covers 3.9 people. She noted when they estimated out the amount of time they use to work on development projects, the Planning Department is spending money for 4.7 people, which is an easily-identified gap.

**Ben** motioned that the Planning Board forward a recommendation to the Commissioners that they accept and fund the proposed work plan.

**Maura** seconded the motion.

**Bob** said making changes to the Growth Policy is not the purpose of this effort, but accomplishing zoning is. He said people should let the zoning effort drive any potential amendments to the Growth Policy.

**Lee** stated the purpose of what the County is doing is to find a path of community involvement to figure out how the community is going to survive forever. He said the whole process has to be a creative effort, involving everyone, to figure out how to sustain quality growth for a vital community. He noted the interest level of the community over the last couple of months has been tremendous.

(b) Board Action

The Board voted unanimously (10-0) to approve the motion to forward a recommendation to the Commissioners to accept and fund the work plan.

**10. Close Public Meeting**

**11. Communications from Staff**

**Karen** said she has provided the Planning Board with a list of bills Staff has started tracking. She said she created a bill tracking system through the LAWS website where Staff can automatically view the bills, track the hearings, and track what is being done regarding those bills. She added there are already hearings underway on important bills and Staff will track different bills so they can keep people updated on when there are important hearings. She noted the County had applied for a LIDAR mapping grant that would give them one-to two-foot contour elevations for the northern half of the County on private land using a technology that would give the department a very detailed contour elevation in digital format. She said the LIDAR mapping would be a vast improvement and would provide assistance to floodplain, floodplain hazard mapping, streamside setbacks, land use planning, and development sight work. She noted the legislature is developing final drafts for the Streamside Setback Bill LC700. There was a brief discussion about using the web site.

**12. Communications from Public**

There were none.

### 13. **Communications from Board**

**Ben** reminded everyone that there was a Land Use Subcommittee Meeting Thursday, January 18, 2007 at 9:00 a.m. in the Extension Office Meeting Room.

**Karen** introduced Vanessa Perry as the newest member of the Planning Department Staff who has a background in environmental planning and experience in public involvement.

### 14. **New Business**

#### (A) General Discussion About Proposed Draft Stream Setback Ordinance

**Karen** noted Staff received a draft proposal from the Bitterroot Valley Board of Realtors for streamside setbacks. She said the Board put out a proposed set of regulations and regulatory framework and asked for some initial input. She said the BVBOR hosted a meeting where a variety of people from different backgrounds came to give initial feedback. She stated the maps that would go with the regulations are not proposed to be ready until summer. She added the Planning Department is involved in looking at other proposals as well and they will funnel them to the Planning Board and Commissioners. She said streamside setbacks are important and could be one of the first countywide zoning efforts.

**Chip** asked if the map would have stream type labels on segments of the streams.

**Karen** replied that as she understood it, each reach of each stream will be mapped so people can apply the buffer and setback information to it.

**Dan** said the County needs a formula so that anybody can understand the regulations and maps. He added he does not know how anything can be adopted without all the pieces.

**Chip** stated the proposed regulations cannot be applied without knowing the stream type.

**Dan** said there is an ongoing debate on which model is the right model to use.

**Karen** said the County could not adopt the regulations and then wait to apply them until the map was ready. She noted for something so map-based, it is hard to see how the County could adopt the regulations without the map.

**Phil** asked if it is possible to adopt the setbacks separate from zoning.

**Karen** replied streamside setbacks will be a separate process from the countywide Phase 1 zoning. She said if streamside setbacks were adopted before the countywide zoning was in place, they would need to include all the basic provisions.

**Phil** said the draft proposal contains a lot of zoning verbiage.

**Karen** replied the statutory authority the Board of Realtors is using for the draft proposal is the zoning statutes.

**Commissioner Lyons** stated the draft proposal is a two-step effort. He said the Board of Realtors had to get grants to accomplish the first step, and cannot receive money for the second step of the map until the draft proposal is adopted into a plan so they know their proposal will be used and the money will not be wasted.

**Ben** noted the draft proposal seems related to zoning, yet there is wording in the proposal related to the subdivision process.

**Carolyn Weisbecker** noted it was stated by the Board of Realtors that none of the grants that would support the mapping portion of this proposal have, in the past, exceeded \$5,000. She stated the mapping portion of this proposal would cost \$200,000 to be comprehensive and functional.

**Commissioner Lyons** replied Clint Brown would do it cheaper for the County.

**Jason Rice** said there is a section in the Board of Realtor's draft proposal that says if a person could not meet the setbacks, they could still build on their parcel. He thinks the County would have a hard time getting the draft proposal adopted by land owners if they do not put a provision in the proposal because it would make the land worthless. He noted the proposal does talk about subdivisions, but no other division of land, and does not state that a stream has to be a natural stream or a true stream from a basin. He said it seems to be more science-based than the proposal from two years ago.

**Lee** noted that other counties in which he has lived, applied science-based approaches and required setbacks 100 feet from a major stream and 50 feet from a minor tributary and designated all the major waterways through secondary tributaries. He said those counties eventually threw out "science-based" approaches in favor of straight numeric setbacks because the original regulations were unworkable. He said a permit regimen that the County could collect revenue on might be helpful. He added rather than implementing the usual plan review, the department would hand the applicant a stack of papers of the various things they are mandated by law to comply with, which includes the International Residential Code adopted by the State of Montana. He said that way the County could track the buildings being constructed.

**Chip** stated the weakness in the County's process is coming up with an enforcement mechanism. He said the County does not have any idea what the timeline or budget would be to create a department of enforcement. He added eventually the County will have to have a Building Department in order to have height, use, setback, and streamside setbacks.

## 15. Old Business

### (A) Revisions to Planning Board By-Laws

**Karen** said she never received any comments from the Planning Board on the proposed changes to the bylaws. She asked if anyone wanted to act on the memo that was sent out.

**Ben** suggested putting it off because he did not finish reading the memo.

**Mary Lee** asked why the bylaws do not say anything about the Park Board representative.

**Karen** replied because it is an informal agreement to have the Park Board representative there with the Planning Board.

**Bob** said he is a member of the Parks Board and an unofficial member of the Planning Board so he cannot vote.

16. **Next Regularly Scheduled Meeting:** TBA

**Karen** said Staff was waiting for more subdivisions that need reviewed or for follow up strategic planning meetings before they announce their next meeting date.

**Bob** recommended the Boards and Staff say they are using existing data when the public asks about land capability and suitability.

17. **Adjournment**

**Chip** adjourned the meeting at 8:50 p.m.